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In re Application of :  
Dedhar, S. : Decision on Petition  
Serial No.: 09/998,250 :  
Filed : 30 November 2001 :  
Attorney Docket No.: KINE-001CIP5 :

This letter is in response to the Second Petition under 37 C.F.R. 1.144 filed on 7 August 2007 to requests reconsideration of the first petition decision mailed 6 June 2007. It is noted that applicants filed a Notice Of Appeal on 01 August 2006, prior to the filing of the first petition on 21 December 2006.

37 CFR 1.144 states in part, with emphasis added: "... Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal....." (i.e., filing of the Notice of Appeal.)

Accordingly, because the first petition was filed after the Notice of Appeal, the petition filed is DISMISSED as untimely.

The application will be forwarded to the Examiner to consider the Appeal Brief filed 21 December 2006.

Should there be any questions regarding this decision, please Quality Assurance Specialist/Program Manager Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 571-273-8300.

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